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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,239	09/07/2006	Masayoshi Son	SB-1008-US	1684
63098 7590 04/16/2009 MAIER & MAIER, PLLC 1000 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER MITCHELL, DANIEL D				
ART UNIT		PAPER NUMBER		
2419				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,239

Applicant(s)

SON, MASAYOSHI

Examiner

DANIEL MITCHELL

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/18/2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on December 18, 2008 has been entered. Claims 1, 4, 8, 9, and 11 have been amended. No claims are canceled. Claims 1-11 are still pending in this application, with claims 1, 4 and 8 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schessel (US Patent No. 7,184,430), hereinafter referred as Schessel in view of Tanimura (US Publication No. 2001/0015971 A1), hereinafter referred as Tanimura.

Regarding claim 1, Schessel discloses a gateway device (**fig. 1 element 16**) placed on the site of a phone switching station, comprising: a plurality of communication lines to be connected to a plurality of telephone equipment placed on the site of a subscriber (**fig. 1 elements 18 teach a plurality of communication lines**); a communication line type dependent signal processing unit (**element 22**) operable to perform the signal processing in accordance with

the type of the communication line, and to perform voice communication with said telephone equipment through said communication line (**col. 5 lines 55-67 teaches a processor that can communicate over a PSTN communication line or an IP communication line**); an identifier generation unit **element 42 and 42 are the identification unit**) operable to generate a caller identifier for identifying said telephone equipment and an intended recipient identifier for identifying a communication equipment of the intended recipient of said telephone equipment on the basis of a control signal from said telephone equipment (**col. 5 lines 13-17 teaches subscriber ID unit and a Trunk ID unit for identifying the calling and called party**); a packet transmitter receiver unit (**interface element 27**) operable to transmit and receive said packet signals on the basis of said caller identifier and said intended recipient identifier (**col. 5 lines 55-57 teaches an internet interface for transmitting and receiving packets to/from and intended destination**).

However Schessel does not expressly disclose a conversion unit operable to convert voice signals of said voice communication into packet signals and vice versa; a TDSW module that serves to perform a time division multiplexing process in order to input the voice signals to the subscriber line exchange.

Tanimura discloses in **par. 16** a gateway **element 14** device for converting the voice data format between signals and IP packets. Tanimura also discloses

in **(fig. 1 element 12 and par. 28-30 teaches a time division switch connected to subscriber circuits).**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Schessel to modify the primary reference by including a time division switch to the interface to the subscriber lines 18. One would be motivated as such in order to implement and integrated service within a single device by providing packet and conventional services to the networks **par. 22.**

Regarding claim 2, Schessel in view of Tanimura discloses a device as to the parent claim. **However Schessel does not expressly disclose comprising: a determination unit operable in order that said voice signals are output to a subscriber line exchange without conversion into packet signals depending upon said intended recipient identifier.**

Tanimura discloses a control unit that establishes a communication path to an intended recipient through a time division switch. The control unit establishes the path without converting the signal since the destination device is a conventional telephone.

See similar motivation as claim 1.

Regarding claim 3, Schessel discloses wherein said determination unit is provided with a subscriber database for registering **[administration database]** a default communication network (**PSTN – default network, see col. 6 lines 22-39**) and a communication network to be connected respectively for said subscribers in association with said intended recipient identifier (**col. 6 lines 22-39 suggests that the default communication network is PSTN and the Internet communication will only commence if the internet indication is received**), and searches said subscriber database on the basis of said intended recipient identifier in order to select a communication network to be connected on the basis of the search result (**col. 6 lines 22-39 teaches searching a database with the called parties information to determine how communication will commence by selecting the network associated with the destination**).

Regarding claim 4, Schessel discloses a voice conversation system for use in voice conversation through a phone switching station with a telephone equipment placed on the site of a subscriber, comprising: a plurality of communication lines to be connected to a plurality of telephone equipment placed on the site of a subscriber (**fig. 1 elements 18 teaches a plurality of communication lines**); unit communication line type dependent signal (**element 22**) processing unit operable in the phone switching station side to perform the signal processing in accordance with the type of the communication line, and to

perform voice communication with said telephone equipment through said communication line (**col. 5 lines 55-67 teaches a processor that can communicate over a PSTN communication line or an IP communication line**); an identifier generation unit (**element 40 and 42 are the identification unit**) operable in the phone switching station side to generate a caller identifier for identifying said telephone equipment and an intended recipient identifier for identifying a communication equipment of the intended recipient of said telephone equipment on the basis of a control signal from said telephone equipment (**col. 5 lines 13-17 teaches subscriber ID unit and a Trunk ID unit for identifying the calling and called party**); and a packet transmitter receiver (**interface element 27**) unit operable in the phone switching station side to transmit and receive said packet signals on the basis of said caller identifier and said intended recipient identifier (**col. 5 lines 55-57 teaches an internet interface for transmitting and receiving packets to/from and intended destination**).

However Schessel does not expressly disclose a conversion unit operable to convert voice signals of said voice communication into packet signals and vice versa; a TDSW module that serves to perform a time division multiplexing process in order to input the voice signals to the subscriber line exchange.

Tanimura discloses in **par. 16** a gateway device for converting the voice data format between signals and IP packets. Tanimura also discloses in (**fig. 1**

element 12 and par. 28-30 a time division switch connected to subscriber circuits.

See similar motivation as claim 1.

Regarding claim 6, Schessel and Tanimura discloses a system as to the parent claim.

However Schessel does not expressly disclose comprising: a determination unit operable in order that said voice signals are output to a subscriber line exchange without conversion into packet signals depending upon said intended recipient identifier.

Tanimura discloses a control unit that establishes a communication path to an intended recipient through a time division switch. The control unit establishes the path without converting the signal since the destination device is a conventional telephone.

See similar motivation as claim 1.

Regarding claim 7, Schessel discloses wherein said determination unit is provided with a subscriber database (**administration database**) for registering a default communication network (**PSTN – default network, see col. 6 lines 22-39**) and a communication network to be connected respectively for said subscribers in association with said intended recipient identifier (**col. 6 lines 22-39 suggests that the default communication network is PSTN and the**

Internet communication will only commence if the internet indication is received), and searches said subscriber database on the basis of said intended recipient identifier in order to select a communication network to be connected on the basis of the search result (col. 6 lines 22-39 teaches searching a database with the called parties information to determine how communication will commence by selecting the network associated with the network).

Regarding claim 8, Schessel discloses a voice conversation method for use in voice conversation through a phone switching station with a plurality of telephone equipment placed on the site of a subscriber, comprising: transmitting and receiving voice signals in the phone switching station side through a plurality of communication lines connected to said a plurality of telephone equipment (**fig. 1 elements 18 teach a plurality of communication lines**); generating a caller identifier (**element 40 and 42 generates identification information**) for identifying said telephone equipment and an intended recipient identifier for identifying a communication equipment of the intended recipient of said telephone equipment on the basis of a control signal from said telephone equipment (**col. 5 lines 13-17 teaches subscriber ID unit and a Trunk ID unit for identifying the calling and called party**), and transmitting and receiving (**interface element 27 transmits and receives packet signals**) said packet signals on the basis of said caller identifier and said intended recipient as selected communication network in the phone switching station side: and

processing a signal in accordance with the type of the communication line of the intended recipient as selected **(col. 5 lines 55-57 teaches an internet interface for transmitting and receiving packets to/from and intended destination).**

However Schessel does not expressly disclose selecting a communication network to be connected based on the basis of a control signal from the telephone equipment; and converting voice signals of said voice communication into packet signals and vice versa in the phone switching station side; and performing a time division multiplexing process to input the voice signals to the subscriber line exchange in the phone switching station side.

Tanimura discloses a central control unit for connecting a call to through either a time division network or a local area network based on the signal the control unit receives **par. 21**. Tanimura also discloses in **par. 21** a gateway for performing voice conversion. Tanimura discloses in **fig. 1 element 12 and par. 28-30** a time division switch connected to subscriber circuits.

See similar motivation as claim 1.

Regarding claim 10, Schessel and Tanimura disclose a system as to the parent claim.

However Schessel does not expressly disclose comprising: a determination unit operable in order that said voice signals are output to a

subscriber line exchange without conversion into packet signals depending upon said intended recipient identifier.

Tanimura discloses a control unit that establishes a communication path to an intended recipient through a time division switch. The control unit establishes the path without converting the signal since the destination device is a conventional telephone.

See similar motivation as claim 1.

Regarding claim 11, Schessel discloses wherein, in the phone switching station side, a subscriber database (**administration database**) is provided for registering a default communication network (**PSTN – default network, see col. 6 lines 22-39**) and a communication network to be connected respectively for said subscribers in association with said intended recipient identifier (**col. 6 lines 22-39 suggests that the default communication network is PSTN and the Internet communication will only commence if the internet indication is received**), and said subscriber database is searched on the basis of said intended recipient identifier in order to select a communication network to be connected on the basis of the search result when selecting a communication network (**col. 6 lines 22-39 teaches searching a database with the called parties information to determine how communication will commence by selecting the network associated with the destination**).

4. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schessel in view of Tanimura in further view of Carew et al. (US Patent No. 6,512,764), hereinafter referred as Carew.

Regarding claim 5, Schessel in view of Tanimura disclose a system as to the parent claim. **However Schessel in view of Tanimura do not expressly discloses comprising an access multiplexer operable to transmit and receive the digital signals separated as packet signals from signals which are transmitted and received through said communication line.**

Carew discloses in **fig.1 element 66 and col. 3 line 54 to col. 4 line 10** a access multiplexer for transmitting and receiving signals separating digitals signals from other communication signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Olsen in view of Tanimura to modify the primary reference by including an access multiplexer to the input of the system to separate the voice and packet signals. One would be motivated as such in order implementing different voice transport techniques **col. 2 lines 16-31.**

Regarding claim 9, Schessel in view of Tanimura discloses a system as to the parent claim. **However Schessel in view of Tanimura do not expressly discloses wherein the digital signals separated from signals which are transmitted and received through said communication line are transmitted and received as packet**

signals in the phone switching station side when transmitting and receiving voice signals.

Carew discloses in **fig.1 element 66 and col. 3 line 54 to col. 4 line 10** an access multiplexer for transmitting and receiving signals separating digitals signals from other communication signals.

See similar motivation as claim 5

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4, and 8 have been considered but are moot in view of the new ground(s) of rejection.

Additionally the Applicant argues that Schessel does not teach a communication line type dependent signal processing unit operable to perform processing in accordance with the type of the communication line to perform voice communication.

However Examiner disagrees provide the Schessel discloses in **(col. 5 lines 26-34)** a processor that processing information from both subscriber line (PSTN or ISDN) and the Internet (IP). Therefore Schessel does disclose a communication line type dependent processor.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. Any response to this action should be **faxed** to (571) 173-8300 or **mailed** to:

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MITCHELL whose telephone number is (571)270-5307. The examiner can normally be reached on Monday - Friday 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. M./
Examiner, Art Unit 2419

***/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2419***